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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,023	03/28/2000	Paul Steinway	046614.008017	5075

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EXAMINER

CUEVAS, PEDRO J

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 04/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,023

Applicant(s)

STEINWAY, PAUL

Examiner

Pedro J. Cuevas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 07 January 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on February 5, 2002. These drawings are acceptable.

Election/Restrictions

2. Newly submitted claim 11 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 11 is not an apparatus claim.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 11 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 5-7 recite the limitation "the method". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

6,189,310 to Kalitventzeff et al.

Kalitventzeff et al. clearly teaches the construction of a system for producing alternating current electric energy comprising:

(a) at least one industrial gas turbine for producing electric power; and

(b) at least one aero-derivative gas turbine for producing electric power,

as shown in Figure 1 and clearly stated in column 6, lines 54-55.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,189,310 to Kalitventzeff et al. in view of U.S. Patent No. 5,442,908 to Briesch et al.

Kalitventzeff et al. disclose the construction of a system for producing alternating current electric energy as described above .

However, it fails to disclose a system combining other types of turbines such as Heat Recovery Steam Generators (HRSG).

Briesch et al. teach the construction of a combined combustion and steam turbine power plant which includes a steam turbine unit, a boiler unit, and a combustion turbine unit with an

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exhaust gas duct structure, having at least one heat recovery steam generator arranged in the exhaust gas flow downstream of the boiler unit and connected to the steam-turbine unit for the purpose of: supplying steam to the steam turbine unit, supplying the turbine exhaust gases to the boiler unit, and to supply any steam generated in the heat recovery steam generator to the steam turbine unit. These system configuration provides improved efficiency at either full-load or part-load operation.

It would have been obvious to one skilled in the art at the time the invention was made to use the use the combined system configuration disclosed by Briesch et al. on the alternating current electric energy system disclosed by Kalitventzeff et al. for the purpose of providing improved efficiency at either full-load or part-load operation of the complete system.

Response to Arguments

10. Applicant's arguments filed January 7, 2002 have been fully considered but they are not persuasive.

11. In response to applicant's argument that Kalitventzeff et al. teaches a system that utilizes, on occasion, *either* an industrial gas turbine *or* an aero-derivative gas turbine, but not both; it must be noted that in column 6, lines 54-55 Kalitventzeff et al. specifically recites: "FIG. 1 illustrates more particularly the case of an aero-derivative turbine to which a power turbine has been added.", not utilized as an *alternative*. The system of claim 1, only requires one industrial gas turbine and one aero-derivative gas turbine for producing alternating current electricity without any specific structural, electrical or mechanical relation.

12. In response to applicant's argument regarding the focus, intentions or particular adaptations disclosed by Kalitventzeff et al. to develop a system for producing alternating current

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electricity are not considered when evaluating the structure, not the function of the disclosed device.

13. In response to applicant's argument that the rejection of claims 2-8 should be withdrawn because they rely on the teachings of Kalitventzeff et al., it must be noted that these teachings have been clarified in the above response.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Néstor R. Ramírez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas
April 15, 2002



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
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